

REMARKS

Claims 1-4, 6-8, and 10-36 are all the claims pending in the present application.

In summary, Applicants thank the Examiner for withdrawing the previous prior art rejections. However, as indicated in the current Office Action, the Examiner has applied a new reference, Soldani et al. (U.S. Patent Application Publication No. 2004/0110521), in addition to the previously applied references to support the current claim rejections.

Claims 20-34 are now rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. These same claims are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Claims 1-4, 6, 10-14, and 16 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kekki (U.S. Patent Application Publication No. 2003/0161325) in view of Soldani. Claims 7-8 and 35-36 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kekki in view of Soldani, and further in view of Verma et al. (U.S. Patent Application Publication No. 2005/0210154). Claims 20-22 and 31-34 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Widegren et al. (U.S. Patent No. 6,374,112) in view of Kekki. Finally, claims 23-30 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lee et al. (U.S. Patent Application Publication No. 2002/00822020) in view of Willars et al. (U.S. Patent No. 6,889,050).

Claims 15 and 17-19 are still indicated as containing allowable subject matter and would be allowable if rewritten to overcome the rejection under 35 U.S.C. § 112, second paragraph, and to include all of the limitations of the base claim and any intervening claims.

I. Rejections Under 35 U.S.C. § 112, first and second paragraph

With respect to the rejections under 35 U.S.C. § 112, first and second paragraph, Applicants submit that claims 20-34 satisfy the requirements under 35 U.S.C. § 112, first and second paragraph.

II. Prior Art Rejections

§ 103(a) Rejection (Kekki / Soldani) - Claims 1-4, 6, 10-14, and 16

With respect to claim 1, Applicants previously argued that Kekki does not disclose or suggest, at least “managing, by the second network element, the transport quality of service according to said at least one parameter for transport quality of service management for uplink transmission over an Iub interface between a controlling radio network controller and a Node B,” as recited in claim 1 (emphasis added).

In the current Office Action, the Examiner acknowledges that the primary reference Kekki does not satisfy the entire quoted feature set forth above. However, the Examiner alleges that the newly applied secondary reference Soldani makes up for the deficiencies of Kekki.

Applicants traverse these rejections at least based on the following reasons.

Kekki does not disclose, at least, as acknowledged by the Examiner “managing, by the second network element, the transport quality of service according to said at least one parameter for transport quality of service management for uplink transmission over an Iub interface between a controlling radio network controller and a Node B”.

Soldani does not either disclose or suggest the above-quoted feature, at least because:

- the parameter “Averaged number of successfully decoded RACH messages per radio frame” reported to the RNC by the Node B as indicated in the cited paragraph 0078 of Soldani is not associated with quality of service for the transport network layer for communication over the

(terrestrial) Iub interface between radio network controller RNC and Node B, but with quality of service for transmission on the radio interface between User Equipment UE and Node B,

- as explained for example at paragraph 0058 of Soldani, Soldani does not disclose managing the transport quality of service for uplink transmission over the (terrestrial) Iub interface between radio network controller RNC and Node B, but discloses controlling the use and the power control of the random access channel, in dependence of the quality of service requirements of the different UMTS bearer services that may be carried by the random access channel at the radio interface.

At least based on the foregoing, Applicants submit that the applied references, alone or in combination, do not disclose or suggest each and every feature of claim 1.

Applicants submit that claims 2-4, 6, 10-14, and 16 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1.

§ 103(a) Rejection (Kekki / Soldani / Verma) - Claims 7-8 and 35-36

Applicants submit that claims 7, 8 and 35-36 are patentable at least by virtue of their indirect or direct dependencies from independent claim 1. Verma does not make up for the deficiencies of the other applied references.

§ 103(a) Rejection (Widgren / Kekki) - Claims 20-22 and 31-34

With respect to independent claim 20, Applicants maintain the previously submitted arguments that the applied art does not disclose or suggest at least: “signalling to the Node B in accordance with a signalling protocol of a radio network layer corresponding to the NBAP protocol applicable to the Iub interface between the radio network controller CRNC and Node B at least one parameter representing the quality of service for the transport network layer, for uplink transmission over the Iub interface between the radio network controller CRNC and the

Node B,” are recited in claim 20. *See pages 14-15 of the Amendment dated July 20, 2009.*

Applicants submit that claims 21-22 are patentable at least by virtue of their dependencies from independent claim 20.

Applicants submit that claims 31-34 are patentable at least based on reasons similar to those set forth above with respect to claim 20.

§ 103(a) Rejection (Lee / Willars) - Claims 23-30

With respect to claim 23 and similarly claim 27, Applicants submit that the applied references do not disclose or suggest at least, "a signal which signals to a radio network controller DRNC via a signalling protocol of a radio network layer corresponding to the RNSAP applicable to the Iur interface between radio network controller SRNC and radio network controller DRNC at least one parameter representing the quality of service for the transport network layer, for uplink transmission over the Iur interface between the radio network controller SRNC and the radio network controller DRNC and downlink transmission over an Iub interface between the radio network controller DRNC and a Node B," as recited in claim 23 and similarly recited in independent claim 27.

In the Office Action, the Examiner acknowledges that the primary reference Lee does not teach the above-underlined feature, however the Examiner alleges that the secondary reference Willars makes up for this deficiency of Lee. The Examiner cites col. 9, lines 25-35 and col. 11, lines 24-50 as allegedly teaching this feature.

In response, Applicants acknowledge that Willars does teach that a connection must be established between a user equipment and a new radio network controller when the UE moves from one cell to a different cell. And Willars teaches that a radio base station performs admission control operations to ensure that it can support at least the guaranteed bit rate based

on base station resources. That is, the base station can request a lower or higher allowed bit rate based on load conditions during a connection. See col. 11, lines 24-50.

However, nowhere does either references, alone or in combination, disclose or suggest the specific feature of signalling to a radio network controller DRNC via a signalling protocol of a radio network layer corresponding to the RNSAP applicable to the Iur interface between radio network controller SRNC and radio network controller DRNC at least one parameter representing the quality of service for the transport network layer, for uplink transmission over the Iur interface between the radio network controller SRNC and the radio network controller DRNC and downlink transmission over an Iub interface between the radio network controller DRNC and a Node B (emphasis added).

Further, Applicants submit that the cited passages of Willars are not relevant at least because they do not disclose or suggest QoS for the transport network layer and related mechanisms or parameters, but mechanisms or parameters such as transport format set and load control, which (as recalled in the present application, for example at page 4 lines 19-23) have to do with QoS for the radio network layer.

At least based on the foregoing, Applicants submit that independent claims 23 and 27 are patentably distinguishable over the applied references. Applicants submit that dependent claims 24-26 and 28-30 are patentable at least by virtue of their respective dependencies from independent claims 23 and 27.

V. Allowable Subject Matter

Claims 15, 17, and 19 contain allowable subject matter.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: July 26, 2010